

## **REMARKS**

Presently the application has 24 claims. Applicant has added Claims 25-35. Consideration of Claims 25-35 under 35 U.S.C. §103(a) in view of the patents issued to Frankel and Hardy is respectfully requested.

Reconsideration of Claims 1, 8, 12 and 22 rejected under 35 U.S.C. §103(a) as being unpatentable over Frankel in view of Hardy is respectfully requested. Consideration of Claims 25-35 is also requested. The patent issued to Frankel discloses a single hull marine craft having an open hull portion at the stern of the craft and a well deck hingedly connected at one end thereof to the hull adjacent the open hull portion, and means for raising and lowering by ballast the well deck and the stern deck hingedly secured to the stern end of the well deck, the well deck being configured to receive and support cargo therein. However, Frankel does not disclose a pair of spaced apart buoyant structures on opposite sides of the well deck

The Examiner utilizes Hardy for the teaching or suggestion of a pair of spaced apart buoyant structures. However, Hardy is a catamaran structure which has a lowerable hull portion between the spaced apart hulls of the catamaran for receiving a hovercraft. Applicant respectfully submits that there is no teaching or suggestion in Frankel that would allow the disclosures of Frankel and Hardy to be combined. In the minds of persons skilled in the art to which the invention pertains, single hull and multiple hull vessels are of two distinct classes of marine crafts and hull structures pertaining to one do not relate to hulls of the other. No person skilled in the art of hull structures would combine the teachings of the Frankel and Hardy patents.

Additionally, the patents as combined do not teach or suggest Applicant's invention as claimed in Claim 1. If one were to modify the Frankel disclosures utilizing the teaching of

Hardy, the modified hull structure would be a dual catamaran hull structure. Claim 1 clearly requires an open hull portion at the stern of a hull of a marine craft. This language cannot be read upon a catamaran hull structure having closed stern hull portions. The Frankel/Hardy combined hull structure also would not have “a well deck hingedly connected at one end thereof to hull adjacent said open hull portion.”

Additionally, as taught by Hardy, the well deck would not have “an exterior bottom that is substantially aligned with the exterior surface of the hull when said well deck is in a raised position.” In contrast, the patent issued to Hardy has an exterior bottom that is pulled out of the water when in a raised position.

Applicant has added Claims 25-35 which are each readable upon a marine craft having a catamaran hull structure. Claim 25, and thus all of the claims depended upon Claim 25 either directly or indirectly, includes all of the required language of Claim 2 which has been indicated to be allowable by the Examiner.

Claims 2, 4-6, 11, 15, 16 and 18 have been allowed by the Examiner. Each of these claims has been objected to as being dependent upon a rejected base claim. Applicant reserves the right to rewrite these claims in independent form including all the limitations of the base claim and any intervening claims as suggested by the Examiner. Claims 23 and 24 have been allowed.

Claims 3, 7-14 and 20 are each dependent upon Claim 1. Thus each of these claims includes all of the language of Claim 1. Claims 3, 7, 8-14, and 20 are each submitted to be allowable for the same reasons as reiterated hereinabove with regard to Claim 1. Claim 3 further requires:

“said means for selectively raising and lowering said stern end comprises at least one hydraulic or pneumatic cylinder extending

between an overhead support and said well deck, said overhead support extending between said pair of buoyant structures.”

Claim 7 further requires:

“said well deck further comprises a cradle having damped flexible mounts, said cradle configured to mitigate shock loads exerted upon cargo received within said well deck during high-speed or turbulent transit of said craft.”

Claim 8 further requires:

“said stern gate is configured to be selectively raised and lowered about said stern end for selectively opening and closing access of cargo into and out of said well deck.”

Claim 9 further requires:

“a winch apparatus mounted to a forward portion of said craft adjacent said open hull portion, said winch apparatus comprising a retractable cable having connection means at a distal end thereof for selectively retrieving and deploying cargo to and from said well deck and for securing said cargo within said well deck during transit of said craft.”

Claim 10 further requires:

“said well deck further comprises a releasable fastening means for securing cargo received within said well deck.”

Claim 11 further requires:

“a cover releasably secured to said craft and extending over said open hull portion, said cover selected from the group of covers consisting of soft tops, canvas, and tarps.”

Claim 12 further requires:

“a cabin and a fore deck configured about the bow of said craft, said cabin being forward of said open hull portion.”

Claim 13 further requires:

“said craft is manufactured substantially from at least one of the materials selected from the group of materials consisting of fiberglass and aluminum.”

Claim 14 further requires:

“at least one engine secured within the hull of said craft, each said engine coupled to at least one jet drive.”

Claim 20 further requires:

“said cargo comprises a distinct marine vessel.”

Claim 4 is dependent upon Claim 3. Thus, Claim 4 includes all of the language of Claims 1 and 3. Thus Claim 4 is submitted to be allowable for the same reasons as reiterated herein above with regard to Claims 1 and 3. Claim 4 further requires:

“said overhead support further comprises first and second upright portions and a structural bridge extending between said upright portions, said first upright portion extending substantially upwardly from one of said pair of buoyant structures, said second upright portion extending substantially upwardly from the other of said pair of buoyant structures, said means further comprising at least two of said cylinders, each said cylinder having an upper end and a lower end, said upper end of one of said cylinders being connected to said structural bridge substantially adjacent said first upright portion, said upper end of another of said cylinders being connected to said structural bridge substantially adjacent said second upright portion.”

Claims 5 and 6 are each dependent upon Claim 4. Thus, Claims 5 and 6 each include all of the language of Claims 1, 3 and 4. Claims 5 and 6 are submitted to be allowable for the same reasons as reiterated hereinabove with regard to Claims 1, 3 and 4. Claim 5 further requires:

“said lower ends are respectively connected to said well deck at laterally opposite sides thereof that connect said one end and said stern end.”

Claim 6 further requires:

“said lower ends are respectively connected to said well deck at upper edges of upstanding walls extending from laterally opposite sides of said well deck.”

Claims 15, 17 and 19 are dependent upon Claim 14. Thus Claims 15, 17 and 19 each include all of the language of Claims 1 and 14. Claims 15, 17 and 19 are submitted to be allowable for the same reasons as reiterated hereinabove with regard to Claims 1 and 14. Claim 15 further requires:

“each said engine comprises a 6-cylinder in-line diesel engine rated at about 420 bhp.”

Claim 17 further requires:

“said craft is configured for high-speed transit in a body of water.”

Claim 19 further requires:

“at least one engine is secured within each said buoyant structure, each said buoyant structure further comprising a jet drive extending substantially rearward.”

Claim 16 is dependent upon Claim 15. Thus, Claim 16 includes all of the language of Claims 1, 14 and 15. Claim 16 is submitted to be allowable for the same reasons as reiterated hereinabove with regard to Claims 1, 14 and 15. Claim 16 further requires:

“a fuel capacity of about 1,000 gallons and a cruising range of about 500 nautical miles.”

Claim 18 is dependent upon Claim 17 and thus includes all of the language of Claims 1, 14 and 17. Claim 18 is submitted to be allowable for the same reasons as reiterated hereinabove with regard to Claims 1, 14 and 17. Claim 18 further requires:

“said craft has a maximum speed of about 26 knots.”

Claim 21 is dependent upon Claim 20 and thus includes all of the language of Claims 1 and 20. Claim 21 is submitted to be allowable for the same reasons as reiterated hereinabove with regard to Claims 1 and 20. Claim 21 further requires:

“said marine vessel is selectively navigable as a submersible vessel.”

Claim 22 is dependent upon Claim 21 and thus includes all of the language of Claims 1, 20 and 21. Claim 22 is submitted to be allowable for the same reasons as reiterated hereinabove with regard to Claims 1, 20 and 21. Claim 22 further requires:

“said marine vessel comprises a Dolphin Class swimmer delivery vehicle.”

Consideration of Claims 25-35 in view of the patents issued to Frankel and Hardy is also respectfully requested. By the rejection of Claim 1 under 35 U.S.C. §103 in view of the patents issued to Frankel and Hardy, the Examiner has interpreted Applicant's specification to support a claim on a marine craft having a catamaran hull comprising spaced apart hull portion. This being the case, Applicant has drafted Claim 25 to specifically read on a catamaran hull and to include within Claim 25 all of the necessary limitations of allowed Claim 2. Claims 26-35 are each dependent upon Claim 25 either directly or indirectly as are Claims 2-22.

For all of the reasons above stated Applicant respectfully submits that all of the claims, as amended, patentably distinguish Applicant's invention from the Frankel and Hardy references and the other references cited and applied by the Examiner. Applicant thus respectfully solicits an immediate Notice of Allowance.

Respectfully submitted,

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